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Counsel for Plaintiff,
CHRISTOPHER SADOWSKI

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CHRISTOPHER SADOWSKI,

Plaintiff,

v.

DANIEL B. TISDALE d/b/a HARLEM
WORLD MAGAZINE; and DOES 1-
10, inclusive,

Defendants.

Case No. _____

**COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF FOR
COPYRIGHT INFRINGEMENT**

DEMAND FOR JURY TRIAL

Plaintiff, Christopher Sadowski alleges as follows:

JURISDICTION AND VENUE

1. This is a civil action seeking damages and injunction relief for copyright infringement under the Copyright Act of the United States, 17 U.S.C. § 101 *et seq.*

2. This Court has subject matter jurisdiction over Plaintiff's claims for

copyright infringement pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

3. This Court has personal jurisdiction over Defendant because Defendant conducts business and/or resides within the State of New York Defendant's acts of infringement complained of herein occurred in the State of New York, and Defendant caused injury to Plaintiff within the State of New York.

4. Venue in this judicial district is proper under 28 U.S.C. § 1391(c) and 1400(a) in that this is the judicial district in which a substantial part of the acts and omissions giving rise to the claims occurred. Alternatively, venue is also proper pursuant to 28 U.S.C. § 1400(b) because the Defendant resides and has a regular and established place of business in this judicial district.

PARTIES

5. Plaintiff Christopher Sadowski ("Sadowski" or "Plaintiff") resides in the City of Hawthorne in the State of New Jersey and is a professional photographer by trade.

6. Plaintiff is informed and believes, and thereon alleges, that Defendant Daniel B. Tisdale ("Defendant") is an individual doing business as Harlem World Magazine.

7. On information and belief, Defendant is the owner and operator of the website www.harlemworldmag.com ("Defendant's Website") which, on information and belief, posts content in order to drive traffic and generate

advertising revenue. A true and correct copy of the ICANN WHOIS Database Registrant information for Defendant's Website is attached hereto as Exhibit A.

8. Plaintiff is unaware of the true names and capacities of the Defendants sued herein as DOES 1 through 10, inclusive, and for that reason, sues such Defendants under such fictitious names. Plaintiff is informed and believes and on that basis alleges that such fictitiously named Defendants are responsible in some manner for the occurrences herein alleged, and that Plaintiff's damages as herein alleged were proximately caused by the conduct of said Defendants. Plaintiff will seek to amend the complaint when the names and capacities of such fictitiously named Defendants are ascertained. As alleged herein, "Defendant" shall mean all named Defendants and all fictitiously named Defendants.

9. For the purposes of this Complaint, unless otherwise indicated, "Defendant" includes all agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogates, representatives and insurers of Defendants named in this caption.

FACTUAL ALLEGATIONS

10. Plaintiff Christopher Sadowski is a professional photographer by trade. Sadowski has licensed or sold his photographs to dozens of major media outlets such as The New York Post, Boston Globe, Boston Herald, Los Angeles Times, Toronto Sun, Newsweek Magazine, People Magazine, the Associated

Press, and USA Today.

11. Sadowski is the sole author and exclusive rights holder to an original photograph of disgraced New York State Senate candidate Jon Girodes (the “Image”). A true and correct copy of the original Image is attached hereto as Exhibit B.

12. Sadowski registered the Image with the United States Copyright Office under registration number VA 2-026-489.

13. Sadowski’s Image originally appeared in the New York Post (“Post”) in a September 6, 2017 article titled “Former senate candidate gets prison for Craigslist rent scam.” (the “Post Article”). *See* <https://nypost.com/2017/09/06/former-senate-candidate-gets-prison-for-craigslist-rent-scam/>.

14. Sadowski’s Image featured in the Post Article included a credit below the bottom left corner crediting the Image to Sadowski.

15. On or about September 6, 2017, an article titled “Former Harlem Senate Candidate Gets Prison For Craigslist Rent Scam” featuring Sadowski’s Image with the photo credit removed appeared (“Infringing Article”) on Defendant’s Website. Attached hereto as Exhibit C is a true and correct copy of the Infringing Article featured on Defendant’s Website showing Defendants’ infringing use of Sadowski’s Images with the photo credit removed.

16. The file of the Image as uploaded on Defendant's Website on is labeled 101416girodes6cs, which is the name as the file Sadowski registered with the Copyright Office and uploaded to the Post. *See* <http://harlemworldmag.com/wp-content/uploads/2017/09/101416girodes6cs.jpg>.

17. Sadowski never authorized Defendants to use the Image in any manner.

18. On information and belief, Defendant willfully removed Sadowski's photo attribution because Defendant knew it did not have permission to use the Images.

19. On September 26, 2017, Plaintiff's counsel sent a cease and desist letter to Defendant requesting, *inter alia*, that the Defendant remove the Image from Defendant's Website.

20. On November 6, 2017, Plaintiff's counsel sent a second letter to Defendant.

21. As of the date of this Complaint, Sadowski's Image is still displayed on Defendant's Website. Attached hereto as Exhibit D is a true and correct time stamped screenshot of Defendant's Website showing that Sadowski's Image is still active; *see also* <http://harlemworldmag.com/wp-content/uploads/2017/09/101416girodes6cs.jpg>.

FIRST CAUSE OF ACTION
COPYRIGHT INFRINGEMENT
17 U.S.C. § 101 *et seq*

22. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

23. Plaintiff did not consent to, authorize, permit, or allow in any manner the said use of Plaintiff's unique and original Image.

24. Plaintiff is informed and believes and thereon alleges that the Defendant willfully infringed upon Plaintiff's copyrighted Image in violation of Title 17 of the U.S. Code, in that they used, published, communicated, posted, publicized, and otherwise held out to the public for commercial benefit, the original and unique Image of the Plaintiff without Plaintiff's consent or authority, by using it in the Infringing Article on Defendant's Website.

25. As a result of Defendant's violations of Title 17 of the U.S. Code, Plaintiff is entitled to any actual damages pursuant to 17 U.S.C. §504(b), or statutory damages in an amount up to \$150,000.00 pursuant to 17 U.S.C. § 504(c).

26. As a result of the Defendant's violations of Title 17 of the U.S. Code, the court in its discretion may allow the recovery of full costs as well as reasonable attorney's fees and costs pursuant to 17 U.S.C § 505 from Defendant.

27. Plaintiff is also entitled to injunctive relief to prevent or restrain infringement of his copyright pursuant to 17 U.S.C. § 502.

SECOND CAUSE OF ACTION
FALSIFICATION, REMOVAL AND ALTERATION OF COPYRIGHT
MANAGEMENT INFORMATION
17 U.S.C. § 1202

28. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

29. On information and belief, Defendant knew that Plaintiff created the Image because, *inter alia*, the source of the Image that Defendant used to make infringing copy, the Post Article, specifically attributed the Image to Plaintiff.

30. Defendant intentionally falsified copyright management information related to the Images with the intent to induce, enable, facilitate, or conceal an infringement of Plaintiff's rights under the Copyright Act. Specifically, Defendant purposefully failed to credit Plaintiff in order to mislead the public into believing that Defendant either owned the Image or had legitimately licensed it for use in the Infringing Article.

31. Defendant's conduct constitutes a violation of 17 U.S.C. § 1202(a), and 1202(b).

32. Defendant's falsification, removal and/or alteration of that copyright management information was done without Plaintiff's knowledge or authorization.

33. Defendant's falsification of said copyright management information was done by Defendant intentionally, knowingly, and with the intent to induce,

enable, facilitate, or conceal Defendant's infringement of Plaintiff's copyright in the Image. Defendant also knew, or had reason to know, that such removal and/or alteration of copyright management information would induce, enable, facilitate, or conceal Defendant's infringement of Plaintiff's copyright in the Images.

34. Plaintiff has sustained significant injury and monetary damages as a result of Defendant's wrongful acts as hereinabove alleged, and as a result of being involuntarily associated with Defendant in an amount to be proven.

35. In the alternative, Plaintiff may elect to recover statutory damages pursuant to 17 U.S.C. § 1203(c)(3) in a sum of not more than \$25,000 from Defendant for each violation of 17 U.S.C. § 1202.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

- For statutory damages against Defendant in an amount up to \$150,000.00 for each infringement pursuant to 17 U.S.C. § 504(c);
- For statutory damages against Defendant pursuant to 17 U.S.C. § 1203(c)(3) in a sum of not more than \$25,000 for each violation of 17 U.S.C. § 1202;
- For general and special damages against Defendant according to proof together with interest thereon at the maximum legal rate;
- For costs of litigation and reasonable attorney's fees against Defendant

pursuant to 17 U.S.C. § 505;

- For an injunction preventing Defendant from further infringement of all copyrighted works of the Plaintiff pursuant to 17 U.S.C. § 502; and
- For any other relief the Court deems just and proper.

Dated: February 16, 2018

Respectfully submitted,

/s/ Rayminh L. Ngo

Rayminh L. Ngo, Esq.,

SDNY #RN4834

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Counsel)

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rngo@higbeeassociates.com

Counsel for Plaintiff

DEMAND FOR JURY TRIAL

Plaintiff, Christopher Sadowski, hereby demands a trial by jury in the above matter.

Dated: February 16, 2018

Respectfully submitted,

/s/ Rayminh L. Ngo

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SDNY #RN4834

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Counsel for Plaintiff

Exhibit “A”

ICANN WHOIS

Showing results for: HARLEMWORLDMAG.COM

Original Query: harlemworldmag.com

Contact Information

Registrant Contact

Name: Dan Tisdale

Organization: The Harlem World Magazine

Mailing Address: 367 Lenox Avenue Suite #4E, New York New York 10027 US

Phone: 2126967929

Ext:

Fax:

Fax Ext:

Email:harlemworldinfo@yahoo.com

Admin Contact

Name: Dan Tisdale

Organization: The Harlem World Magazine

Mailing Address: 367 Lenox Avenue Suite #4E, New York New York 10027 US

Phone: 2126967929

Ext:

Fax:

Fax Ext:

Email:harlemworldinfo@yahoo.com

Tech Contact

Name: Dan Tisdale

Organization: The Harlem World Magazine

Mailing Address: 367 Lenox Avenue Suite #4E, New York New York 10027 US

Phone: 2126967929

Ext:
Fax:
Fax Ext:
Email:harlemworldinfo@yahoo.com

Registrar

WHOIS Server: whois.godaddy.com
URL: http://www.godaddy.com
Registrar: GoDaddy.com, LLC
IANA ID: 146
Abuse Contact Email:abuse@godaddy.com
Abuse Contact Phone: +1.4806242505

Status

Domain Status:clientTransferProhibited <http://www.icann.org/epp#clientTransferProhibited>
Domain Status:clientUpdateProhibited <http://www.icann.org/epp#clientUpdateProhibited>
Domain Status:clientRenewProhibited <http://www.icann.org/epp#clientRenewProhibited>
Domain Status:clientDeleteProhibited <http://www.icann.org/epp#clientDeleteProhibited>

Important Dates

Updated Date: 2017-10-13
Created Date: 2002-10-13
Registrar Expiration Date: 2018-10-13

Name Servers

NS33.DOMAINCONTROL.COM
NS34.DOMAINCONTROL.COM

Raw WHOIS Record

Domain Name: HARLEMWORLD.MAG.COM
Registry Domain ID: 91161514_DOMAIN_COM-VRSN
Registrar WHOIS Server: whois.godaddy.com
Registrar URL: http://www.godaddy.com
Updated Date: 2017-10-13T17:55:33Z
Creation Date: 2002-10-13T01:31:07Z
Registrar Registration Expiration Date: 2018-10-13T01:31:07Z
Registrar: GoDaddy.com, LLC
Registrar IANA ID: 146
Registrar Abuse Contact Email: abuse@godaddy.com
Registrar Abuse Contact Phone: +1.4806242505
Domain Status: clientTransferProhibited
http://www.icann.org/epp#clientTransferProhibited
Domain Status: clientUpdateProhibited
http://www.icann.org/epp#clientUpdateProhibited
Domain Status: clientRenewProhibited
http://www.icann.org/epp#clientRenewProhibited
Domain Status: clientDeleteProhibited
http://www.icann.org/epp#clientDeleteProhibited
Registry Registrant ID: Not Available From Registry
Registrant Name: Dan Tisdale
Registrant Organization: The Harlem World Magazine
Registrant Street: 367 Lenox Avenue Suite #4E
Registrant City: New York
Registrant State/Province: New York
Registrant Postal Code: 10027
Registrant Country: US
Registrant Phone: 2126967929
Registrant Phone Ext:
Registrant Fax:
Registrant Fax Ext:
Registrant Email: harlemworldinfo@yahoo.com
Registry Admin ID: Not Available From Registry
Admin Name: Dan Tisdale
Admin Organization: The Harlem World Magazine
Admin Street: 367 Lenox Avenue Suite #4E
Admin City: New York
Admin State/Province: New York
Admin Postal Code: 10027
Admin Country: US
Admin Phone: 2126967929
Admin Phone Ext:
Admin Fax:
Admin Fax Ext:
Admin Email: harlemworldinfo@yahoo.com
Registry Tech ID: Not Available From Registry
Tech Name: Dan Tisdale
Tech Organization: The Harlem World Magazine
Tech Street: 367 Lenox Avenue Suite #4E
Tech City: New York
Tech State/Province: New York
Tech Postal Code: 10027
Tech Country: US
Tech Phone: 2126967929

Tech Phone Ext:
Tech Fax:
Tech Fax Ext:
Tech Email: harlemworldinfo@yahoo.com
Name Server: NS33.DOMAINCONTROL.COM
Name Server: NS34.DOMAINCONTROL.COM
DNSSEC: unsigned
URL of the ICANN WHOIS Data Problem Reporting System:
<http://wdprs.internic.net/>
>>> Last update of WHOIS database: 2018-02-15T20:00:00Z <<<

For more information on Whois status codes, please visit
<https://www.icann.org/resources/pages/epp-status-codes-2014-06-16-en>

The data contained in GoDaddy.com, LLC's WhoIs database, while believed by the company to be reliable, is provided "as is" with no guarantee or warranties regarding its accuracy. This information is provided for the sole purpose of assisting you in obtaining information about domain name registration records. Any use of this data for any other purpose is expressly forbidden without the prior written permission of GoDaddy.com, LLC. By submitting an inquiry, you agree to these terms of usage and limitations of warranty. In particular, you agree not to use this data to allow, enable, or otherwise make possible, dissemination or collection of this data, in part or in its entirety, for any purpose, such as the transmission of unsolicited advertising and solicitations of any kind, including spam. You further agree not to use this data to enable high volume, automated or robotic electronic processes designed to collect or compile this data for any purpose, including mining this data for your own personal or commercial purposes.

Please note: the registrant of the domain name is specified in the "registrant" section. In most cases, GoDaddy.com, LLC is not the registrant of domain names listed in this database. Note: WHOIS consumers who are now receiving masked data can find instructions on how to apply for whitelisting here:
<https://www.godaddy.com/help/masking-contact-information-shared-via-whois-automated-access-points-27421>

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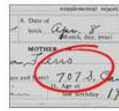
* There is one exception: ICANN acts as the registry operator for the .int TLD, and in that capacity it does collect, generate, retain and store information regarding registrations in the .int TLD.

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Exhibit “B”



Exhibit “C”



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around the block. around the world.
harlem world

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Magazine

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The World

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Sections

Festival

Services

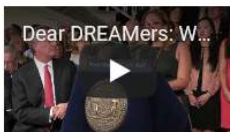
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Melissa Mark-Viverito remarks
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Former Harlem Senate Candidate Gets Prison For Craigslist Rent Scam

Posted on 09/07/2017 by Harlem World Magazine — Leave a reply



NY Post reports that a disgraced New York State Senate candidate was sentenced to three to six years in prison Wednesday for ripping off more than a dozen people in a Craigslist rent scam.

Jon Girodes, 39, previously took a plea deal for defrauding his victims out of more than \$63,000, according to the Manhattan District Attorney's Office.

He listed his luxury Midtown pad for \$1100 a month, took hefty deposits from 13 victims then refused to hand over the keys from August to September of 2016, authorities said.

"In New York's competitive real estate market, a luxury one-bedroom apartment on 42nd Street listed at a deeply discounted rate was too good to be true," said DA Cyrus Vance Jr. in a statement.

Girodes met with each of the 13 victims, falsely claimed he owned the unit and signed overlapping leases with them.

But the crooked pol had no authority to sublease the apartment, officials said.

At the last minute, he told the victims they wouldn't be able to move in, but many had already incurred moving costs and were left without a place to stay, the DA's office said.

Girodes was running for a Harlem state senate seat when he was busted for the scam last year.

Up to 30% off
furniture through
Saturday.*



shop now

*restrictions may apply

Joanna Finally Confirms Rumors - She's back for one last fix up

Why she left HGTV's
Fixer Upper

itunes.apple.com



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Planned Parenthood Of NYC Joins Call
To Remove Dr. J. Marion Sims Statue
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This entry was posted in [Harlem](#), [politics](#) and tagged [Craigslis](#), [Cyrus Vance Jr.](#), [Harlem](#), [Jon Girodes](#), [Manhattan District Attorney's Office](#), [New York State](#) by [Harlem World Magazine](#). Bookmark the [permalink](#).



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Magazine



The cover of the "Holiday Issue" Fall 2008 issue.



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Harlem World Talks

[Harlem's Flo Anthony Talks Stories, Stars & Love](#)



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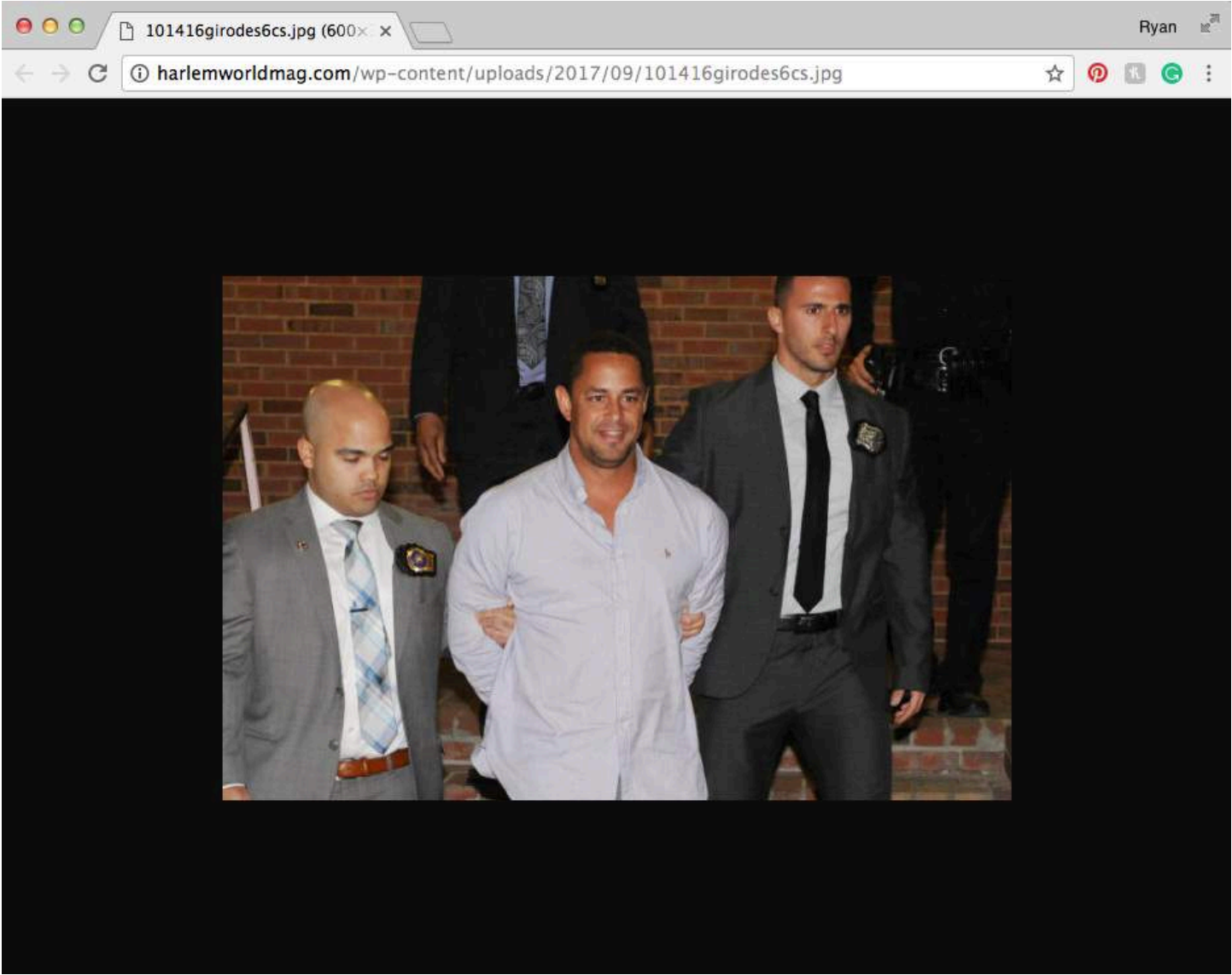


Exhibit “D”

